REMARKS/ARGUMENTS

This is in response to the official action dated December 10, 2008.

Claim rejections under 35 USC § 102

The Examiner rejected Claim 11 as being anticipated by Wood et al. (US 5,266,492). The legal requirement for finding anticipation was set out in the Response to the Office Action, filed September 2, 2008.

Wood discloses a method of determining the critical vapor pressure of a drug or any other hygroscopic material, such as agricultural chemicals. A drug sample may be placed in an isothermal environment. Water vapor at a given pressure is then placed in the ambient air over the drug. The rate of heat production from this sample at that given water vapor pressure is measured. The water vapor pressure over the drug is gradually increased by a method called "scanning". Scanning is the continual, upward variance in the water vapor pressure in contact with a drug sample by an increase in the temperature of the water which is the source of the vapor pressure. Simultaneously, the rate of heat production from the drug sample is measured. A marked increase in the rate of heat production generated by the drug signals the attainment of the critical water vapor pressure.

The Examiner states that Wood would teach an apparatus having a first reservoir 18, a first capillary ingress channel 29 and a first capillary egress channel (first/left half of 36), both channels being connected to the reservoir 18. A carrier gas source 26 provides a carrier gas into the first capillary ingress channel 29. The apparatus of Wood et al. further includes a second reservoir 30, a second capillary ingress channel (second/right half of 36) and a second capillary egress channel 38, both second channels being connected to the reservoir 30. The Examiner states that the carrier gas source 26 would also be in connection with the second capillary ingress channel.

However, the Examiner omits that Applicant claims a **fragrance cartridge containing a first and a second fragrance.** Where is such fragrance cartridge in Wood? Where are the fragrances? The Examiner can hardly maintain that the Styrofoam enclosure 22 would constitute an equivalent to a cartridge containing two separate reservoirs with separate capillaries as

claimed by applicant. And why would the second reservoir, which, according to applicant's claimed invention is configured exactly in the same way as the first reservoir, and which are both part of a fragrance cartridge, be located outside of the "cartridge" or Styrofoam enclosure , that is in a calorimeter? The bottle 18 of Wood's critical vapor measuring installation can hardly be equated with Applicant's fragrance reservoir 5. Neither can the second "ampoule" 30 or the "flow indicator vial" 40 be equated with applicant's fragrance-containing reservoir. Wood's second reservoir" (the sample ampoule 30) is a continuation from the "first reservoir" the bottle 18. The bottle 18 is designed to add water vapor to the nitrogen from the tank 26, which is then conveyed to the ampoule 30 within a calorimeter 32, see Col.6, l. 42-59. Woods needs such installation to measure the critical vapor pressure of a substance. However, Wood's assembly has nothing to do with storing fragrances in at least two separate (not connected) fragrance cartridges suitable for release. Accordingly, in Wood, the "reservoirs" are connected by a capillary 36, whereas in Applicant's invention of a fragrance cartridge, the first reservoir is not connected to the second reservoir, that is, the capillaries of the fist reservoir **are not connected to any capillary** of the second reservoir.

It is not clear whether the Examiner suggests that the third bottle 40 of Wood constitutes another equivalent to a reservoir of Applicant's invention, although the bottle 40 in Wood is entirely outside of the "enclosure". Clearly, in the Wood assembly, 40 is a vial that functions as a flow indicator for monitoring the flow rate of nitrogen and provides visible means of proof of continuous flow.

Applicant submits that there are hardly any resemblances, let alone equivalents between Wood and applicant's invention and Applicant's claim does not read on Wood. However, to further distinguish, Applicant has amended the independent claim 11 to indicate that the reservoir contain porous material with fragrance.

Accordingly, claim 11 is not anticipated.

Claim rejections under 35 USC § 103

The Examiner rejected claims 2-4, 8-12 as being obvious over Mühmel in view of Nightingale.

Mühmel provides a fundamentally different invention, having only the same purpose as applicant's invention and that purpose is holding a fragrance. Mühmel provides a scent cartridge made from an aluminum or glass tube, having the same diameter throughout the length of the tube, thus Mühmel does not utilize any capillaries. The cartridge contains a substrate having porous particles of silica gel, aluminum oxide and/or activated carbon, which are impregnated with scents or active ingredients. The porous articles are contained on each side in the tube by wire mesh caps. The entire tube is sealed and has a volume of about 1 to 30 cm^3. A time-dependently controlled volume flow of a carrier gas is provided flowing through the scent cartridge. The cartridge is used as a source of scent for the controlled release of scents taken up in the substrate.

The controlled discharge of the scents from the cartridge is achieved by puncturing both sides of the membrane disk with needles or cannulae, so that a controlled discharge of the scents from the scent cartridge is possible through the small openings. Either heated air or inert carrier gas is passed over the substrate to release the scents.

The Examiner concedes that Mühmel would not disclose any capillaries. Thus, the Examiner suggests combining Mühmel with Nightingale, because Nightingale provides a vapor dispenser having a reservoir with a capillary outlet(s) for controlling the rate of vapor. However, Nightingale does not provide ingress and egress channels, because Nightingale does not describe **through-flow devices**. All of the Nightingale devices **emit vapor through a single capillary outlet (by emission)** (5 in Fig II) . Moreover, all of the capillaries (2 in Fig.I, 5 in Fig.2, 8, 9 in Fig III, 14, and 16 in Fig.4) are **emission capillaries.** The embodiments shown in Figs. III and IV, disclosing two outlets, are also not suitable for use with carrier gas because the gas would simply blow the entire liquid out very quickly through the second capillary, since this embodiment carries liquid. Thus, using carrier gas in Nightingale teaches away from the principles of the invention which is a device for **dispensing small controlled amounts of vapor into the atmosphere and NOT blowing a liquid out of a tube via a capillary.** Thus, a person of skill in the art would not combine these references to come up with applicant's claimed invention. In other words, the Examiner's suggestion on page 4, that the use of capillary channels of Nightingale instead of puncturing the membranes of Mühmel would not "provide a